

STIPULATION AND [PROPOSED] ORDER RE: EXPERT DISCOVERY
CASE NO. C- C 07-5152 JW

The parties hereby STIPULATE AND AGREE to the following:

1. Within 3 business days of any party serving any expert reports and/or expert declarations in this case pursuant to Fed. R. Civ. P. 26(a)(2)(B), the party or parties proffering the expert witness shall produce all other documents and/or information required by Rule 26(a)(2)(B), namely “the data or other information considered by the witness in forming the [expert’s] opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding ten years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years.” “(D)ata or other information considered” shall include, but is not limited to, raw data, spreadsheets, computerized regression analyses and/or other underlying reports and schedules sufficient to reconstruct the expert's work, calculations, and/or analyses. Information can be produced electronically (via email or disc) where appropriate. Where documents have previously been produced as part of the discovery in this case, a list of such documents by Bates number is sufficient. As to other documents considered by the expert, those documents should be produced except where widely available publicly without undue expense (such as on the internet, or in major university libraries).

2. The following types of information shall not be the subject of discovery: (1) the communications and/or content of communications among and between: (a) counsel and experts; (b) experts and other experts or consultants; and/or (c) experts and their respective staffs, and (2) notes, drafts, written communications or other types of preliminary work created by, or for, experts. The foregoing exclusions from discovery will not apply to any specific communications or documents upon which the experts expressly rely as a basis for their final opinions/reports.

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1 3. This stipulation shall be effective only upon agreement by counsel for all
2 Defendants and Interim Lead Counsel for Plaintiffs in the above captioned action.

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4 DATED: April 8, 2009

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1 DATED: April 8, 2009

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28 Plaintiffs' Interim Lead Counsel

James Ware
[PROPOSED] ORDER

Based upon the stipulation of the parties, and for good cause shown, the foregoing
Stipulation and Order is hereby SO ORDERED:

Dated: April 28, 2009

James Ware

Hon. James Ware
United States District Judge